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12 United States of America

13
14 IN THE UNITED STATES DISTRICT COURT
15
16 EASTERN DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 v.
20 ISIDRO ROBERTO ROJAS-GUZMAN,
21 Defendant.

22 CASE NO. 2:25-MJ-00048
23 MOTION TO STAY RELEASE ORDER

24 The United States of America, by and through Assistant United States Attorney Nicole M.
25 Vanek, moves this court to stay the March 18, 2025 ruling by Judge Claire authorizing the pretrial
26 release of defendant Isidro Roberto Rojas-Guzman. The United States requests a stay of the Magistrate
27 Judge's release order until such time that the parties can be heard before this Court on the Government's
28 motion for revocation of that order. This motion is based upon the attached Memorandum of Points and
Authorities, incorporated herein by reference.

29
30 Dated: March 18, 2025

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32 Acting United States Attorney

33 By: /s/ NICOLE M. VANEK
34 NICOLE M. VANEK
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15 ISIDRO ROBERTO ROJAS-GUZMAN,
16 Defendant.

CASE NO. 2:25-MJ-00048
GOVERNMENT'S MOTION TO STAY ORDER
RELEASING DEFENDANT

17 The United States moves this Court to stay the Magistrate Judge's March 18, 2025 order
18 releasing defendant Isidro Roberto Rojas-Guzman until March 20, 2025, at which time the United States
19 further requests a hearing for both parties to be heard on the motion to revoke.

20 The defendant made his initial appearance on a Criminal Complaint on March 12, 2025. He is
21 charged with being a deported alien found in the United States, in violation of 8 U.S.C. §§ 1326(a) and
22 (b)(1). On March 18, 2025, the Honorable Allison Claire held a detention hearing and granted release.
23 The United States requests a stay of the defendant's release order, pending an appeal and hearing before
24 this Court.

25 I. **STANDARD**

26 Under the Bail Reform Act, if a person is ordered released by a magistrate judge, then "the
27 Government may file, with the court having original jurisdiction over the offense, a motion for
28 revocation of the order or amendment of the conditions of release." 18 U.S.C. § 3145(a)(1); *United*

1 *States v. Gebro*, 948 F.2d 1118 (9th Cir. 1991); *United States v. Evans*, 62 F.3d 1233, 1237 (9th Cir.
2 1995) (“Rule 40 and section 3145 . . . place[d] the review of the magistrate judge’s order in the province
3 of the district court where the prosecution is pending, and where the bail status of the defendant
4 ultimately will be determined during the course of that trial.”).

5 When the United States files a motion to revoke a magistrate judge’s release order, the district
6 court has inherent authority to stay the release order pending the district court’s ruling on the motion to
7 revoke. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is
8 incidental to the power inherent in every court to control the disposition of the causes on its docket with
9 economy of time and effort for itself, for counsel, and for litigants.”). Section 3142(f)(2)(B) expressly
10 allows detention of the defendant “pending completion of the hearing.” The pre-trial detention issue is
11 “pending completion” so long as the motion to revoke is pending. *See United States v. Petersen*, 557 F.
12 Supp. 2d 1124, 1129 (E.D. Cal. 2008), as amended (May 23, 2008) (“The U.S. Magistrate Judge was
13 authorized to stay her OR release order upon application of the government’s attorney pursuant to 18
14 U.S.C. § 3142(f)(2)(B), which provides that a defendant may be detained pending completion of the
15 detention hearing. Subsection 3145(a) mandates a prompt review of the motion to revoke the Magistrate
16 Judge’s release order, thereby providing a reasonable safeguard against unduly extended detention
17 during review.”). A stay order simply keeps the defendant in detention during the pendency of the
18 hearing as the statute allows.

19 Section 3145 and the Federal Rules anticipate that the district court with jurisdiction over the
20 offense will determine the issue of release or detention pending trial. 18 U.S.C.A. § 3145(a) (“the
21 attorney for the Government may file, with the court having original jurisdiction over the offense, a
22 motion for revocation of the order”); *United States v. Evans*, 62 F.3d 1233, 1237 (9th Cir. 1995) (“Rule
23 40 and section 3145 . . . place[] the review of the magistrate judge’s order in the province of the district
24 court where the prosecution is pending, and where the bail status of the defendant ultimately will be
25 determined during the course of that trial.”); *United States v. Vega*, 438 F.3d 801, 803 (7th Cir. 2006)
26 (“After that appearance, and a preliminary hearing if the charge is sufficiently serious, the defendant
27 must be transferred to the charging district. *See* Rule 5(c)(3)(D). At that point, it is the court where the
28 charges are pending that is responsible for any rulings that may be necessary to guarantee the

1 defendant's presence for proceedings.”).

2 **II. ARGUMENT**

3 The defendant is charged with being a deported alien found in the United States. The government
4 moved for detention in this case under 18 U.S.C. § 3142(f)(2)(A). The defendant is both a flight risk as
5 well as a danger to the community. The government was not afforded the opportunity to present an
6 argument for detention at the detention hearing on March 18, 2025 in front of the Honorable Allison
7 Claire.

8 The defendant's criminal history dates back to 1994. He was convicted of Sale of Controlled
9 Substances and Conspiracy to Violate the Uniform Controlled Substances Act in 1994 and sentenced to
10 4 years in Nevada State Prison. He was deported following his sentence. He was convicted of
11 Transport/Sell Narc/Controlled Substance in 2011 and sentenced to 4 years custody. He was deported
12 following his sentence. The defendant has continued to engage in the sale of drugs after serving his
13 sentences. In May of 2024, investigators arranged the purchase of cocaine from the defendant.
14 Additionally, when law enforcement arrived to execute the arrest warrant, the defendant was attempting
15 to destroy evidence by discarding approximately 60.3 grams of cocaine down the toilet. The defendant's
16 repeated return to drug trafficking, even after serving multiple prison sentences and facing deportations,
17 underscores his ongoing threat to the community.

18 The defendant is also a flight risk, as he has ties to Mexico, is capable of flying under the radar,
19 has multiple known aliases, and has an active felony warrant in El Dorado County. The defendant has
20 been deported 5 times, most recently in 2019 after he paid someone to attempt to smuggle him across
21 the border. Upon his arrest, the defendant indicated to law enforcement that he wished to return to
22 Mexico. The defendant's willingness to continuously return to the United States after being deported
23 and live under aliases demonstrates that he will not comply with the Court's conditions upon release.

24 Given the circumstances of this case and the history and characteristics of the defendant, which
25 includes multiple drug convictions, a stay of the release order pending a hearing on the government's
26 motion to revoke is appropriate here. Absent a stay of the release order, the defendant will be released,
27 allowing him to flee or endanger the community before this Court's *de novo* review of the detention
28 issue.

1 The defendant poses as a flight risk and a danger to the community that the imposed conditions
2 of release cannot sufficiently mitigate, as further set forth in the government's motion to revoke
3 release order. This court should stay the release order in order to hold a hearing on the United States'
4 motion to revoke the release order, filed separately, under 18 U.S.C. § 3145(a).

III. CONCLUSION

For the reasons set forth above, the Government requests that the Court enter the attached proposed order staying the proceedings pending a hearing on the motion to revoke.

Respectfully submitted,

Dated: March 18, 2025

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Acting United States Attorney

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CASE NO. 2:25-MJ-00048
[PROPOSED] ORDER STAYING ORDER
RELEASING DEFENDANT

16 [PROPOSED] ORDER
17

18 Upon the motion of the United States, good cause having been shown, it is hereby ORDERED
19 that the order issued March 18, 2025, by United States Magistrate Judge Allison Claire, authorizing the
20 release of defendant Isidro Roberto Rojas-Guzman, shall be stayed, and the defendant shall remain in
21 the custody of the United States Marshal's Service pending further proceedings before this Court on the
22 government's motion to revoke the release order on March 20, 2025.

23
24 IT IS SO ORDERED.

25 Dated: _____

26
27 THE HONORABLE
28 UNITED STATES DISTRICT COURT JUDGE